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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,180

06/27/2003

Lawrence Nathaniel Taugher

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22879 7590 04/12/2007

HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

TUCKER, WESLEY J

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

04/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/608,180	Applicant(s) TAUGHER ET AL.	
	Examiner Wes Tucker	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

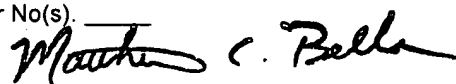
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1, 3, 4, 6, 8, 20, 21, 24, 25 and 27.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.



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Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the reference of Schaffer does not disclose the claimed features of "querying the user to identify one or more of the detected features; receiving identification information provided by the user in association with one or more of the received images; storing the received images and any user-provided identification information such that the identification information is associated with one or more of the received images." Examiner submits that this is exactly what the reference to Schaffer does. Applicant is advised to consider the invention as a whole.

As cited in the previous office action, Schaffer discloses querying the user as one of several possible sources of image grouping information (column 5, lines 1-6). Schaffer discloses two of five possible sources to be the original product or service order description, which can only be placed by the user, as the user places the order for grouped images, collage etc. The original product or service order description is the first querying of the user to identify the product desired and ultimately what features will be detected and grouped.

Schaffer further discloses a customer profile containing information about the customer is used to gather information about the sorting and grouping process. The customer profile contains a lot of information grouped in two categories of factual and uncertain information. The factual information includes information such as product preferences and order history, both of which can only result after querying the user a number of times. Schaffer's system keeps a record of orders or requests placed by the user and goes a step further to store preferences. How can the system know what user prefers unless the user is queried? The customer profile database allows the system to store all kinds of information about the user gathered by query such as names, important dates, product preference, purchase history and even face recognition vectors. The system also stores uncertain information such as previous order processing, another form of query. Furthermore the customer profile is updated with every order processed to reflect changes in order preferences. For example when a user requests a birthday collage, the user does so as a response to an inherent query by the system. When the system repeatedly receives information from the user, the customer profile is updated. Each time the profile is updated, it is updated in response to a query. When the system asks the user what kind of order will be placed this time, the user responds and that data is stored in the profile. This discussion was taken from the disclosure of Schaffer at Column 5, lines 1-61.

Furthermore Schaffer discloses that the process of looking to the order description (user query) and customer profile (updated by user query) can iterate as many times as necessary to complete the desired product objectives (column 6, lines 40-46). This is interpreted as when the system does not get it right the first time, the user is queried and the process is refined and performed again until the end result is exactly what the user wants. That is after all what the system of Schaffer is all about. The service provided is to group images according to user preference and this will absolutely and inherently require user query and user response because no matter how smart the image categorizing is, the user will still have to tell the machine what is wanted.

The rejection is maintained and remains FINAL .